

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Daimeon Mosley,

Plaintiff,

v.

Bootleggers Scottsdale LLC, et al.,

Defendants.

No. CV-15-2306-PHX-DKD

REPORT AND RECOMMENDATION

TO THE HONORABLE SUSAN R. BOLTON, U.S. DISTRICT COURT JUDGE:

Pending before the Court is Plaintiff's Motion for Judgment by Default Against Defendant (Doc. 9). In light of the fact that it remains unsettled in the Ninth Circuit whether a Magistrate Judge has jurisdiction over a non-appearing defaulted Defendant,

IT IS RECOMMENDED that the Presiding District Judge of the Phoenix Division enter the Proposed Default Judgment.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment. The parties shall have fourteen days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter, the parties have fourteen days within which to file a response to the objections. Failure timely to file objections to the Magistrate Judge's Report and Recommendation may

1 result in the acceptance of the Report and Recommendation by the district court without
2 further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).
3 Failure timely to file objections to any factual determinations of the Magistrate Judge will
4 be considered a waiver of a party's right to appellate review of the findings of fact in an
5 order or judgment entered pursuant to the Magistrate Judge's recommendation. *See* Rule
6 72, Federal Rules of Civil Procedure.

7 Dated this 11th day of March, 2016.

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David K. Duncan
United States Magistrate Judge

cc: SRB